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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,676	11/21/2000	Bradley J. Bartz	777.346US1	9183

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EXAMINER

VU, TUAN A

ART UNIT	PAPER NUMBER
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2193

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/717,676	Applicant(s) BARTZ ET AL.	
	Examiner Tuan A. Vu	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3, 6, 7 and 39-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 6, 7 and 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 11/03/2005.

As indicated in Applicant's response, claims 3 and 39 have been amended.

Further, claims 1-2, 11-15, 22, 26-38 are presently canceled on top of the previously canceled claims 4-5, 8-10, 16-21 and 23-25. Claims 3, 6-7, and 39-42 are pending in the office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3, 7, and 39-42 are rejected under 35 U.S.C. 102(b) being anticipated by Skinner, USPN: 5,481,722 (hereinafter Skinner)

As per claim 3, Skinner discloses a method useful in developing software having multiple versioned documents, comprising:

comparing a line of one documents to a current line of the another document (e.g. *output table*, *branch deltas* – Fig 7a-b; *control line*, *delta text lines* - col. 7, line 30 to col. 8, line 25; Fig. 6 – Note: the comparing of lines by lines text is disclosed because delta text lines 240 within each block delimited by control line reads on line division being compared to be part of a delta result); repeating second comparing step within this subdivision type (e.g. *text lines* - Fig. 6);

determining whether or not there are more than a pre-determined number of differences between the lines (e.g. Fig. 8; *incremental deltas* - col. 12, lines 18-61- Note:

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paradigm for generating deltas in which one first version contains a certain delta entries, i.e. predetermined number of differences per version, leading to creation of another version having more differences than the first version delta -- see Fig. 8 - versions *P: 1.1, 1.1.1, 1.1.2; CI: 1.1, 1.2, 1.3* -- reads on a determining if the number of differences that reach a predetermined number of differences per version);

determining whether or not to indicate the differences between the lines based on the above determination, such that if there are more than the pre-determined number of differences between the lines, then the differences are indicated; and if there are not more than the pre-determined number of differences between the lines, then the differences are not indicated (e.g. col. 12, lines 18-61 -- Note: the synchronizing scheme by the build procedure -- see Figs. 7 -- working with tree of deltas to yield additional branched deltas with automated indication within the delta-generating procedure in order to create -- or not to create-- more delta branching reads on indication based on whether/or not the number of differences has reached a predetermined number of differences -- each delta representing such number)

As per claim 7, Skinner discloses computer medium (col. 5, lines 52-67; Fig. 3-4)

As per claim 39, Skinner discloses a computer-based method for comparing multiple versioned documents, comprising:

comparing subdivisions of one of the documents to a current subdivision of other document; (e.g. e.g. *output table* , *branch deltas* -- Fig 7a-b; *control line*, *delta text lines* - col. 7, line 30 to col. 8, line 25; Fig. 6); and determining whether there are more than a

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pre-determined number of differences between the subdivisions therebetween (e.g. Fig. 8; *incremental deltas* - col. 12, lines 18-61);

determining whether or not to indicate the differences between the lines based on the above determination, such that if there are more than the pre-determined number of differences between the lines, then the differences are indicated; and if there are not more than the pre-determined number of differences between the lines, then the differences are not indicated (e.g. Figs. 7; col. 12, lines 18-61 – Note: see claim 3)

As per claims 40 and 41, Skinner disclose multi-line sections and line differences (*control line* - col. 7, line 30 to col. 8, line 2; *control line, delta text lines* - col. 7, line 30 to col. 8, line 25).

As per claim 42, refer to claim 7.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner, USPN: 5,481,722; as applied to claim 3; in view of Panagiotis, *Diff Man Page/Man-cgi* 1.11, 1994 (hereinafter Panagiotis)

6. **As per claim 6**, Skinner does not explicitly disclose differences are characters. The comparing of line necessarily encompasses the going through of its elements; and based on the Skinner going through a text by iterating division type such as a line(*start*

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control line, end control line – Fig. 6; *text line* – Fig. 6) such line element checking is implicitly disclosed by Skinner. In case Skinner does not already provide subdividing a line into a character division to perform character comparison with a counterpart in the current line of the 2 documents, there is suggestion as to why Skinner should have done so. Skinner is using an Unix platform by Sun Microsystems, and suggests the use of command line utilities within such platform (see Background and col. 6, lines 10-32). In a man page for *diff* similar to Unix Man page, Panagiotis discloses line by line comparison with options *-a* or *-c* or *-#* and option *i* to ignore character and *-b* to address blanks; thus has strongly indicated partition a document into line and character subdivision while scanning a line. Thus, it would have been obvious for one skill in the art at the time the invention was made to provide the Unix utilities as taught by Panagiotis to Skinner Sun Microsystems computer facilities to that the subdivision comparing as taught by Panagiotis is utilized because this would enable Skinner to make use of utilities already available in its platform and thereby be endowed with options as suggested above to selective address line-by-line pattern and its character subdivisions and make the document comparing process more time and cost efficient.

Response to Arguments

7. Applicant's arguments filed 11/03/2005 have been fully considered. Some arguments are becoming moot in view of the canceled subject matter being previously claimed; and in view of the remaining claims the arguments are to some extent inapplicable in view of the new grounds of rejection. Nevertheless, hereafter are the

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Examiner's observations or corresponding responses in regard to parts of the references to which the arguments are still relevant.

Rejections under 35 USC §102:

(A) The arguments against Leblang (claims 11, 12, 15), Carrier (claims 22, 26-29), and Hopwood (claims 31-38) no longer apply since the respective claimed subject matter pertinent thereto has been canceled.

Rejections under 35 USC §103(a):

(B) Applicants have submitted that Skinner (with respect to claims 3 and 39) cannot possibly imply a second determination which is based on a first determination that is not even mentioned in the reference; and that there is not a single reference that discusses the two determining steps (Appl. Remarks, pg. 6,middle para). The rejection has pointed out how Skinner version comparing tool operate on the different deltas in order to determine whether or not to yield additional deltas based on previously generated deltas. When a delta is determined to contain more differences than a previous delta, then a newly branched delta is formed according to a building paradigm wherein more children deltas are created down a tree when they no longer match a previous delta up the hierarchy. The rejection has set forth what is analogized as being first determination or second determination as claimed based on what being analogized to a pre-determined number of differences. Skinner discloses successive deltas to contain the number of differences related to a version of document; and once it is determined by the comparing/reconciling process that one delta corresponding to a input document contain more differential than another delta being stored earlier, a new version should be given to designate the delta by which the discrepancy is detected (see Fig. 8: versions 310a, 312a, block 326 being

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renumbered because of newly created successive branched-out deltas 304c → 308c from the reconciling of versions 1.3 and 1.4 in block 322). The limitation as to the determination as to indicate that some delta is no longer a same delta from a comparing process by Skinner has been perceived as reading on determination as whether a predetermined number of differences has been reached and that a new delta is required. In other words, the knowledge that (or automated code for information passing by which) a new delta is to be created because of the above determination is being analogized to indicate. The determination that a set of delta contents is no longer same as a previous set of delta contents reads on the first step of determining whether a predetermined number (of delta entries) has been supplanted; and the automated process for information passing by which the necessary creation of another delta is effectuated (See Fig. 8) reads on the step of indicating. Whether to create additional versioned of delta reads on the two sub-steps of creating or not creating, i.e. indicating and not indicating, in light of the above information passing by the automated comparing code. The claim for not being specific about what is being implemented behind the very concept of indicating has lead to broad interpretation of the limitation recited as to 'are indicated' or 'are not indicated'; and Applicant's arguments (about the 2 distinct steps) hence amount to mere allegation for patentability of a broadly features. Besides, it is noteworthy to add that the steps of indicating ('are indicated') and not indicating ('are not indicated') are but mere rephrasing of a same endeavor, i.e. one step being self-evident upon the realization of the other; such that the latter step is not adding anything newer to (fails to further limit the subject matter of) the former step -- after the determining step. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a

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general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

(C) The arguments against the rejections of claims 1, 2, 13, 14, and 30 (Appl. Rmrks , bottom pg. 6) no longer apply since the respective claimed subject matter pertinent thereto has been canceled.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

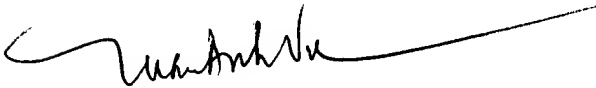
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence – please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tuan A Vu', with a long horizontal flourish extending to the right.

Tuan A Vu

Patent Examiner,
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